

Section 160 - General Licensing Procedures

160.01 Applicability of this Section. The procedures, regulations, conditions, requirements and penalties set forth in this Section shall be applicable to any particular license or permit issued by the City, or to issuing, renewing, suspending or revoking the same, or to the duties and obligations of persons holding the same, only if this Section is made applicable in whole or in part by the Code provision requiring the license or permit. The word "license" as used herein shall include permits and the word "licensee" used herein shall include "permittee".

160.02 Application Form. Unless otherwise provided by this Code, the application for license or renewal of license shall be filed with the Clerk on forms to be provided by the Clerk. On such forms the Clerk may require the following information:

- A. Applicant's full name, date of birth, and business and home addresses; and, if the application is made on behalf of a partnership, association or corporation, the name and address of such partnership, association or corporation.
- B. If the proposed licensee is a partnership, the full names, dates of birth and home addresses of all general partners; or, if the proposed licensee is an association or corporation, the full names, dates of birth and home addresses of its officers and managers, and of the owners (not to exceed ten) of the largest number of shares of the business or enterprise.
- C. In the case of an application for a license for the carrying on of a trade, occupation or business, or the storage of substances, the street address of the premises where such trade, occupation or business shall be conducted or where the substances shall be stored.
- D. In the case of an application for a machine license, the street address of the premises where the machine is to be kept, and a description thereof.
- E. In the case of an application for a vehicle license, the street address of the premises where it is to be usually parked, garaged or kept, the name of the manufacturer, the serial number of the vehicle, and a description thereof.
- F. Violation by applicant, or any general partner or officer of applicant of any licensing provision or suspension or revocation of licenses held by the applicant or any general partner or officer of applicant in the City or elsewhere.
- G. Such other information as is required to be furnished by this Code. The proposed licensee shall sign the application; or, if the proposed licensee is a partnership, at least one general partner shall sign; or, if the proposed licensee is an association or corporation, at least one officer shall sign. In each case the signer shall have power to execute contracts of the partnership, association or corporation.

160.03 License Fee, Etc. With the application there shall also be submitted the following:

- A. The license fee, in cash or by check payable to the order of the City, in the amount required by this Code.
- B. A surety bond, if one is required, in the amount and conditioned as required by this Code or State Law. The surety in all cases shall be a corporation authorized to do so and holding the certificate of the Commissioner of Commerce of the State showing that it is authorized to contract as a surety. The effective period of such bond shall expire not sooner than the period of the license applied for. The bond otherwise shall be on terms and conditions approved by the Manager.
- C. A certificate of insurance, if one is required, in an amount required by this Code or State Law and for a period not less than the period of the license applied for. Such policy shall be written by a company authorized to do business in the State. In addition to the certificate, the City may also request the applicant to submit an insurance policy.
- D. Any other documents required to be filed by this Code or State Law.

160.04 Investigation; Approval or Denial. Licenses and renewals shall be granted or denied by the Manager or by the Manager's deputy, unless otherwise provided by any specific section of this Code. Conditions may be imposed on the license to ensure compliance with this Code to protect adjacent property and to protect the health, safety, and welfare of the City and its citizens. Whenever a request is made by the Manager or the Manager's deputy, an investigation concerning the applicant, and a written recommendation upon the application, shall be made by the Sanitarian, Fire Chief, Police Chief, Building Official, or their deputies, or by any other employees of the City. Issuance of a license, or renewal of a license, may be denied for any of the following reasons:

- A. Failure to complete the application, or to file the required license fee, bond, or other required document.
- B. Misstatements in the application.
- C. Failure to comply with special conditions required by this Code or State Law for issuance of the license.
- D. Violation by applicant or any general partner or officer of the applicant of licensing provisions or suspension or revocation of licenses held by applicant in the City or elsewhere, due to activity directly related to the occupation or activity by which the license sought and which sufficient rehabilitation has not been established as provided in M.S. 364.03.
- E. Granting the license would be detrimental to the health, safety, morals or welfare of the residents of the City.
- F. Nonpayment by the applicant of any fees or charges owed to the City.

160.05 Denial; Notice to Applicant. If the Manager or the Manager's deputy or other officer authorized by this Code denies the application for license or renewal, the Manager or Manager's deputy shall furnish written notice to the applicant of such denial, together with the reasons for denial. Such notice shall also inform the applicant that the applicant may:

- A. Ask the Clerk to return to the applicant any surety bond or insurance policy the applicant has filed, but any application fee shall be retained by the City,
- B. Submit a new application, or
- C. Appeal the denial to the Council.

160.06 Appeal to Council. The applicant may appeal from such denial by filing with the Clerk a written appeal to the Council. Such appeal shall be heard by the Council within 30 days after it is filed. All interested parties shall be allowed to give testimony to the Council. The Council may affirm, revise or modify the denial. The Council may impose conditions on the grant of any license as provided in Subsection 160.04.

160.07 Term of License. Unless otherwise provided by this Code, every annual license shall expire on the 31st day of December following its date of issuance.

160.08 Occupational License; Posting. A license for the carrying on of a trade, occupation or business, if granted, shall be issued by the City, shall be serially numbered, and shall state the name and business address of the licensee, the nature of the trade, occupation or business licensed, the street address of the premises where such trade, occupation or business shall be conducted, and the expiration date of the license. The license shall be posted on the licensed premises so that it can be read by members of the public.

160.09 Machine or Vehicle License. A license for a machine or vehicle, if granted, shall be issued by the City, shall state the name and address of the holder of the license, shall describe the machine, and shall state the street address of the premises where it is licensed to be kept, or, if a vehicle, the street address where it is usually parked, garaged or kept, and the expiration date of the license. For each machine or vehicle licensed, the licensee shall be furnished with a sticker which shall be fastened to the machine or vehicle licensed so as to be easily discernible. The sticker shall bear only the word "Edina", a sticker number, and year of issuance.

160.10 Impounding Machines. Any machine or vehicle required to be licensed found in the City without a current sticker fastened thereto, or found operating in the City after revocation or suspension of license, may be summarily impounded by the City. A notice of such impounding shall be published in the official newspaper within 20 days after the machine or vehicle has been taken up, and, in the case of a machine, shall be mailed to the owner or occupant of the premises in, on, or next to which it was found. Such notice shall describe the machine or vehicle and the street address of the premises where or near which it was found. The notice shall also state that the machine or vehicle may be sold or destroyed by the City unless the person claiming such ownership, within 20 days after publication of the notice, shall present satisfactory evidence of ownership to the Police Chief and pay all fines and penalties required by this Code or State Law,

and the cost for hauling and storage of such machine or vehicle. Any such sale shall be pursuant to Section 155 of this Code.

160.11 Liability of Licensee for Employees' Conduct. The conduct of the agents and employees of a person to whom any license has been issued shall be deemed the conduct of such licensed person.

160.12 Liability of Property Owner. No person shall permit any real property owned, leased or controlled by the person to be used for the conduct of a trade, occupation or business required to be licensed or for the storage of substances required to be licensed, or for the maintenance thereon of any machine required to be licensed, without such license having been obtained.

160.13 Revocation for False Statement. If any applicant for a license or renewal thereof has knowingly made any false statement in the application for license, the applicant's license may be revoked.

160.14 Non-Transferable; No Refunds. Unless otherwise provided by the provision of this Code requiring the license, a license is non-transferable, and the licensee shall not be entitled to a refund of any license fee.

160.15 Change in Facts in Application. Whenever any change occurs in any fact, statement or condition stated or described in the license application, the applicant or licensee shall file a written report of the change with the Clerk, who shall attach the report to the application on file.

160.16 Enforcement; Suspension, Revocation. If any licensee violates or is in default of complying with any condition, requirement, duty or rule of conduct imposed upon the licensee by this Code or by the terms of the license, the Manager or the Manager's deputy may proceed as follows:

A. Notify the licensee in writing that the licensee is in violation of one or more stated provisions of this Section or of any other Section of the Code applicable to the occupation, machine or vehicle licensed or of any condition of the license. The notice may state that unless the violation is removed within the period specified in the notice, but not less than three days, the City may remove the violation and charge the expense to the licensee, which shall be payable on demand with interest accrued from the date of the demand until paid. Interest shall be charged at the lesser of the two rates specified in Subd. 6 of Subsection 100.09 of this Code. At the end of such period, if the violation has not been removed, the Manager or the Manager's deputy may order removal of the violation by City employees using City equipment or by contract between the City and another person. If so removed, the cost shall be charged to the licensee and shall be payable on demand with interest. The remedies and provisions of this paragraph A. shall be in addition to, and may be exercised concurrently with any one or more of, the other remedies and procedures set out in Subsections 160.16, 160.17 or 100.09, and the exercise of any remedy or procedure shall not preclude the exercise of any one or more of the other remedies or procedures at the same time or at different times.

B. When any violation is a substantial threat to the public peace, health, safety or welfare, or when any violation is not removed within the time allowed under paragraph A. above, summarily suspend the license.

C. When the Manager or the Manager's deputy has suspended a license, the Manager or Manager's deputy shall make a written report of the facts and action taken, and submit it to the Council at its next regular or special meeting. The Manager or Manager's deputy shall inform the licensee of the date, time and place of such meeting not less than three days in advance, and of proposed action to be taken on the license at the meeting. The temporary or summary suspension of license by the Manager or the Manager's deputy shall continue until such meeting of the Council, unless the suspension is sooner removed by the Manager or the Manager's deputy. All persons desiring to be heard shall have the opportunity to be heard at such meeting. At such meeting, or at any regular or special meeting thereafter, the Council may order the suspension continued or removed on such terms and conditions as it may see fit and proper, or may revoke the license. If the same license has been suspended or revoked by the Council within the previous six months, it shall be revoked.

D. The Manager or Manager's deputy may, without suspending the license, notify the licensee in writing of any supposed violation, or of any supposed false statement knowingly made in the application for license, and request an explanation. If no satisfactory explanation is submitted, the Manager shall proceed as under paragraph C. above, by making a report and submitting it to the Council at its next regular or special meeting, and by informing the licensee in advance of the date, time, place and purpose of the meeting. All persons desiring to be heard shall have the opportunity to be heard at such meeting. At such meeting, or at any regular or special meeting thereafter, the Council may order the suspension of the license on such terms and conditions as it may see fit, or may revoke the license.

E. Whenever a machine or vehicle license is ordered suspended or revoked by the Council, or by the Manager or the Manager's deputy, other licenses for similar machines or vehicles held by the same licensee may also be ordered suspended or revoked.

F. With or without acting to suspend or revoke a license, the Council, the Manager or the Manager's deputy may submit the violation to the City Attorney for prosecution as a misdemeanor.

160.17 Enforcement. With regard to any Code provisions relative to licensing which it is the Sanitarian's duty to enforce, the Sanitarian shall have all the powers and duties of the Manager in Subsection 160.16, provided, that any temporary or summary suspension of license by the Sanitarian under paragraphs A. or B. of Subsection 160.16 may not extend for more than 48 hours unless the order of suspension is approved and signed by the Manager. The Sanitarian shall also have the power to post warning signs to the public on any premises where the conditions or practices pose a substantial danger to public health and safety.

160.18 Interference with Posted Licenses or Signs. No person shall post a license upon premises other than those for which it was issued, or destroy, move or deface any license or sign posted under this Section, or any license plate or tag.

160.19 Operation without License. No person shall carry on a trade, occupation or business, maintain a machine or a sign, store any substance, or operate a vehicle in the City for which a license is required by this Code, without having a valid license to do so.

160.20 Effect of Suspension or Revocation of License. Whenever a license has been suspended, it is void until the suspension has been removed. Thereupon, the license shall again become effective. Whenever a license has been revoked, it is void, but a new license may be issued subject to any applicable limitations contained in this and other sections of this Code.

160.21 Suspension or Revocation of License of Firm to Carry on Occupation. Whenever a license for carrying on a trade, occupation or business issued to a firm, partnership or corporation has been suspended or revoked, such suspension or revocation shall be applicable to each individual composing such firm, partnership or corporation.

160.22 Deputy. Any employee of the City authorized by the Manager or by this Code to take any action under this Section relative to any license shall be deemed to be the Manager's deputy for purposes of this Section.

160.23 Inspection. Any officer or employee, or deputies thereof, empowered by Section 175 of this Code to serve notices of violations may enter at all reasonable times upon any licensed premises, or premises where a licensed machine or vehicle is kept, to inspect such premises, machine, or vehicle to determine compliance with this Code.

History: Ord 141 codified 1970; amended by Ord 141-A1 11-25-81; Ord 2001-7, 10-3-01

Reference: M.S. 364.03

Cross Reference: Section 155; Subsection 100.09